<u>REMARKS</u>

These remarks are set forth in response to the non-final office action mailed February 9, 2005 (the "Office Action). As this amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1 through 10 are pending in the Patent Application. Claims 1 and 7 are independent in nature. In the Office Action, each of claims 1 through 10 have been rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,247,141 to Holmberg. Additionally, the Examiner has noted a non-standard layout for the specification of the Patent Application. In response, the Applicants have amended the specification to provide standardized headings as helpfully suggested by the Examiner. Also, the Applicants have considered the cited art and respectfully traverse the rejections based thereupon.

Prior to addressing the rejections on the art, however, a brief review of the Applicants' invention is appropriate. The Applicants have invented a method, system and computer program product for managing a failure to access a database in a computing system. In accordance with the Applicants' invention, an applications server can process data requests from an application client to access data in a database through a communications link enjoyed as between the applications server and the database. When a communications failure occurs as between the application server and the database, rather than having the application client manage the failure, the failure can be managed by sending a request for data from the application client to another application server having a communications link with the database. Thus, the fail-over process can be less complex than that of the prior art as noted in page 3 of the Patent Application.

Turning now to the cited art, Holmberg relates to a fault-tolerant client-server system that includes a primary server, a backup server and a client. In the Holmberg system, the client sends a request to the primary server. The primary server in turn receives and processes the request, including sending a response to the client, independent of any backup processing being performed by the primary server. By sending the response independent of backup processing, a higher level of concurrence is achieved, thereby making the system more efficient. The primary server also performs backup processing, including periodically sending the primary server state information to the backup server. The client in turn can receive the response from the primary server, and the client can send the primary server state information from the client to the backup processor.
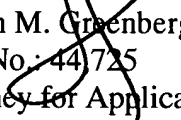
Importantly, Holmberg does not teach each limitation of the independent claims 1 and 7 as recited in the Patent Application. Specifically, claims 1 and 7 require that a first application server recognize a failure to "access" a "database". Claims 1 and 7 further require that, in response to recognizing the failure, the first application server sends the client application request to a second application server which can process the request thereby returning the result to the application client. Holmberg, by comparison, addresses the failure of the server itself and not the failure of a server to communicate with a database. In fact all of the fault cases described in column 7 of the Holmberg patent addresses the circumstance of a "primary server crash". No where in Holmberg is it ever suggested that a failure to communicate with a database causes a primary application server to defer to the processing of a secondary application server.

Thus, the Applicants believe that claims 1-10 distinguish over the cited art and stand patentable and ready for an indication of allowance. To that end, the Applicants respectfully

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request the withdrawal of the rejections under 35 U.S.C. § 102(e) owing to the foregoing

remarks. This entire application is now believed to be in condition for allowance. Consequently,

such action is respectfully requested. The Applicants request that the Examiner call the

undersigned if clarification is needed on any matter within this Amendment, or if the Examiner

believes a telephone interview would expedite the prosecution of the subject application to

completion.

Respectfully submitted,

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